THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.17406 OF 2005

DATED: 10-08-2005

BETWEEN;

Col.Charles Edwin A Corfield son of Late Edwin L.Corfield and another.

..PETITIONERS

VS.

The Defence Estate Officer A.P.Circle, Secunderabad.

..RESPONDENT

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.17406 OF 2005

ORAL ORDER

The petitioners are aggrieved by the proceedings dated 29-07-2005 and another dated 01-08-2005 intimating the petitioners that the respondents desire, for the purpose of considering the status of the property in possession of the petitioners and for making an enquiry, inspection, measurements, valuation or survey, to enter upon the premises through the authorized Estate Officer.

According to the petitioners, they are absolute owners of the property and the

property is not a Cantonment property. As at present there is no threat of dispossession or interference by the respondents of the petitioners' property, the impugned notices merely request the petitioners to afford the facility of inspection, survey and other purposes of the property so as to decide thereafter as to whether the respondents have any jurisdiction, title or nexus to the property and if so whether the respondents would exercise such jurisdiction or power for any other purposes permissible under the Cantonment Act.

This Court finds no justification for interdicting the process of the respondents' viz., mere inspection, survey and measurements of the property in Bungalow No.201,Tar Bund Road, Secunderabad, which is claimed to be in possession of the petitioners.

Accordingly the writ petition is dismissed. The petitioners shall not resist the evaluation or survey by the officers of the respondents and it is made clear that the respondents will notify to the petitioners a fresh date and time for inspection, survey etc., and on the said date shall commence and conclude the inspection and survey so as not to interminably and repeatedly inconvenience the petitioners. Nothing in this order shall be construed as a liberty to the respondents to dispossess or otherwise interfere with the possession of the petitioners' to the property in question and any further action by the respondents may be only in accordance with the substance and process of the law. No order as to costs.

GODA RAGHURAM,J

10TH AUGUST,2005

*TSNR